

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

ROBERT LOXTON, et al.,

Defendants.

NO: CV-13-417-RMP

Bankr. Case No. 09-06194-PCW11
(Consolidated Case)

Adv. Proc. No. 11-80299-PCW11

DEFAULT JUDGMENT AGAINST
DEFENDANT MIKE TULLOS

JUDGMENT SUMMARY

Judgment Creditor: Bruce P. Kriegman, solely in his capacity as the
Liquidating Trustee under the Confirmed Plan of
the Debtor

1 Attorneys for
Judgment Creditor: Witherspoon Kelley

2 Judgment Debtor: Mike Tullos

3 Attorney for Judgment
4 Debtor: Pro Se

5 Judgment Amount: \$92,164.00 USD

6 Interest on Judgment: .11% (28 U.S.C. § 1961)

7 The Court, having previously entered an Order Adopting the Bankruptcy
8 Court's Report and Recommendation and Order of Default against Defendant
9 Mike Tullos, ECF No. 41, and being fully advised in the premises,

10 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
11 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
12 Trustee for LLS America, LLC, shall have a judgment against Defendant Mike
13 Tullos as follows:

14 1. Monetary Judgment in the amount of CAD \$91,914.00 USD, pursuant to
15 11 U.S.C. § 550 and RCW 19.40.071;

16 2. Transfers in the amount of CAD \$91,914.00 USD made to the Defendant
17 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff
18 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,
19 550, 551, and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

1 3. All said transfers to Defendant Mike Tullos are hereby set aside and
2 Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant
3 Mike Tullos for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§
4 544, 550, and 551;

5 4. All proofs of claim of Defendant which have been filed or brought or
6 which may hereafter be filed or brought by, on behalf of, or for the benefit of
7 Defendant Mike Tullos or his affiliated entities, against the Debtor's estate, in this
8 bankruptcy or related bankruptcy proceedings, are hereby disallowed and
9 subordinated to the monetary judgment granted herein, and Defendant Mike Tullos
10 shall not be entitled to collect on his proof of claim (Claim No. 376) until the
11 monetary judgment is satisfied by Defendant Mike Tullos in full, pursuant to 11
12 U.S.C. §§ 502(d), 510(c)(1), and 105(a);

13 5. A constructive trust is hereby established over the proceeds of all
14 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

15 6. Plaintiff is hereby awarded costs (i.e. filing fee) in the amount of \$250.00
16 USD, for a total judgment of CAD \$92,164.00, which shall bear interest equal to
17 the weekly average of one-year constant maturity (nominal) treasury yield as
18 published by the Federal Reserve System.

1 The District Court Clerk is directed to enter this Judgment and provide
2 copies to counsel and to pro se defendants, and **terminate Mike Tullos as a**
3 **defendant in this case.**

4 **IT IS SO ORDERED.**

5 **DATED** this 31st day of March 2014.

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7 *s/ Rosanna Malouf Peterson*
8 ROSANNA MALOUF PETERSON
9 Chief United States District Court Judge
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